

Docket No.: 249692001700  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Alain H. CURAUDEAU et al.

Application No.: 10/588,419

Confirmation No.: 8347

Filed: February 8, 2005 (Int'l)

Art Unit: 1614

For: PHOTODYNAMIC THERAPY FOR THE  
TREATMENT OF HYPERACTIVE  
SEBACEOUS GLAND DISORDERS USING  
TOPICALLY APPLIED HYDROPHOBIC  
GREEN PORPHYRINS

Examiner: G. Kadambi

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an election of species requirement mailed 17 September 2008, time for response to which was set to expire 17 October 2008.

Claims 1-19 are pending. With respect to the species election, applicants elect lemuteporfin for the purposes of prosecution. Claims 1-19 read on the elected species.

Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than

a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Reservation of Rights

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 249692001700.

Respectfully submitted,

Dated: October 17, 2008

By: \_\_\_\_\_ / Kate H. Murashige /  
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